

**REMARKS**

Applicant respectfully requests reconsideration and withdrawal of the pending final Office Action for the reasons set forth below.

The examiner previously issued a final Office Action on March 5, 2008, rejecting all of the pending claims under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, and also rejecting claims 1-6, 13-16, 26-35 and 39-40 under 35 U.S.C. § 103(a) as being unpatentable over the Barracough or Yuichi references. Applicant responded to that final Office Action on September 5, 2008, by filing a Request for Continued Examination and a Response to Office Action (“Response”). Applicant’s September 5, 2008, Response fully addressed the examiner’s bases for rejecting the claims by way of substantial arguments in support of patentability of the pending claims.

The present Office Action fails completely to address Applicant’s foregoing September 5, 2008 Response. Instead, the present Office Action is identical to the March 5, 2008 Office Action. The present Office Action even indicates in the Office Action Summary that the present Office Action is responsive to Applicant’s communication dated February 11, 2008, not Applicant’s September 5, 2008, Response. There is no indication whatsoever in the present Office Action that the examiner has considered Applicant’s arguments set forth in Applicant’s September 5, 2008 Response. As such, Applicant is unable to meaningfully respond to the present Office Action.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the present Office Action and allowance of the application for the reasons set forth in Applicant’s September 5, 2008, Response.

Applicant requests that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, with the fee for such extension and shortage in any other fee, being charged (and any overpayment in fees being credited) to the Account of Barnes & Thornburg LLP, Deposit Account No. 12-0913 (37041-11481).

Respectfully submitted,  
BARNES & THORNBURG LLP



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